

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1303	Press
	15-16	~~Mis~~
Dated	23-9-1908	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 28th September 1858.

No. 15. Read the following letter from E. W. BIRD, Esq., Subordinate Judge of Ootacamund; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 10th September 1858, No. 84.

SIR,

On the 25th August, I did myself the honor to forward to you a telegram regarding a Convict Martin Murphy expected here, and with reference to whose safe custody I, for reasons stated, protested against being held responsible.

2. The so called Jail attached to the Sub-Court of Ootacamund is not at the best of times a fit place for the custody of Natives of determined character, much less of European Convicts. At the present moment a part of the Court House itself and some of the Jail cells are occupied by the Troopers of the Right Honorable the Governor's Body Guard. I have but one room in which to confine the Convict now expected here and that room is neither secure, regarded as a Prison, nor fit for the residence of an European. In the arrangements which were made for forwarding Martin Murphy to Ootacamund I had no part; and I trust I may be permitted to place on record before the arrival of this man, my protest against being held answerable for his safe custody under the circumstances I have detailed. The salary sanctioned for a Jailor at this station is so small that I have not succeeded till very lately in inducing any one to accept the post. The person who has accepted the appointment has not yet arrived. When he does, he will have to learn his duty *ab initio* and possibly when he ascertains the responsible nature of what he has to perform in reference to the custody of M. Murphy, he will resign his post. My guard consists of Native Peons, notorious in this climate for any thing but a zealous discharge of duty, still less to be depended on if opposed by an European Convict. It is true, I can procure the assistance of an European Constable attached to the Joint Magistrate's office, but this can be but a temporary measure and there is no one else to whom I can look to aid me in this matter.

3. The Convict Martin Murphy has not yet arrived, and I have no intelligence as to where he now is. When he reaches this place, I will do the utmost in my power with the means I have at hand to ensure his safe custody and comfort.

4. I have this day shewn Mr. Secretary Bayley the appliances at my command for securing this Convict, and he concurs I believe with me in deeming them inadequate and unfit for the object in view.

No. 16. ORDER THEREON, No. 1303; dated 23rd September 1858.

The Government observe that the Convict Martin Murphy, was sent to Ootacamund on the representation of the Inspector of Prisons, that arrangements should be made for his being lodged in a room attached to the Jail, and because it was stated by the Medical Officer in charge of the Madras Penitentiary, that he was in a bad state of health, suffering from long confinement in a hot climate, and that removal to a hill station was urgently required. He left Madras on the 23rd Ultimo and his departure was duly communicated to the Inspector.

2. The Sub Judge of Ootacamund is authorized to incur any additional expense which, under the circumstances, may be necessary for the secure custody of Martin Murphy, for which he must make the best arrangements in his power.

3. Mr. E. Bird states that he trusts that he may be allowed to place on record before Murphy's arrival his *protest* against being held answerable for his safe custody under the circumstances which he has detailed. The Government are convinced that it was not Mr. Bird's intention to be otherwise than respectful—but they resolve to inform him, that such language is not admissible. Any servant of Government is at liberty to represent to them in decorous terms the difficulties which he may anticipate in the execution of any duty that may have been imposed upon him, and the Government will be prepared to make every allowance for such difficulties, but if he should fail to carry out the duty, it is for Government to decide to what circumstances the failure is owing, and who, if any one, should be held responsible for it.

4. The Sub Judge's letter and this order will be communicated to the Inspector of Prisons, in reference to his letter under date the 21st July last.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Telegraphic Message
From ... dated 25th Aug. 1858.
Judge Botacornund
To
The Chief Secretary
Bombay.

I protest against being held responsible for the safe custody of the convict Martin Murphy. I hear today on good authority he is a desperate character. I have no jailor yet - my prison guard is wholly inadequate - they are natives - my prison is unfit even to house Native Convicts and last the body guard troops are quartered in the jail and occupy all the cells but one such as they are - I can keep Murphy in one of the Court house rooms, but there are no securities against his escape. Beg Government under these circumstances to pause before

before he is sent here and to keep
him at Bangalore or else where
till I have a proper jail and establishment
for my Court. Should he have left
Marras pray have him detained
at Bangalore by telegram. Mr.
Rohde is gone South. or I would
have asked him to send you
this sharp.

My
H. P.

ET Message

In Reply

Sud. J. M. P.

Kind has sent me a Telegram
protesting against being held
responsible for Martin Murphy
as he has no place to secure him
in - Rohde said there was a
place or he would not have
been sent -

He started some days ago -
Kind wishes him to be detained
at Bangalore, but this is impos-
sible.

Please advise Kind in
his difficulties. Surely a
place can be found or made
strong enough to secure one
convict -

Judicial Department
N^o 1303

Extract from the Minutes of Consultation
Dated the 23rd September 1858.

Read the following
letter from the Subordinate
Judge of Colacamund.

1/ Here enter 10th Sept 58 & 1858

The Government
observe that the convict
Martin Murphy was sent
to Colacamund on the repre-
sentation of the Inspector
of Prisons that arrange-
ments should be made for
his being lodged in a room
attached to the jail and
because it was stated by
the Medical Officer in
charge of the Madras
Penitentiary that his life
in a bad state of health
~~would be prolonged by~~
suffering from long
confinement in a hot

Copy
Telegraphed message dated 21st Aug. 1858.
From Chief Secy. Madras to M. S. P. Secretary
Martin Murphy will leave Madras by
the evening train on Sunday. It
is provided that there may be a day's
delay & that he may not about
Friday Sunday.

14/9/58

Home over

Inspector of Prisons, in
reference to his letter
under date the 21st July
last.

JP

[Faint, mostly illegible handwritten notes and signatures]

To Sub Judge. Ootacamund
" Inspector of Prisons - ^{Sept 23rd} ~~Sept 29th~~

[Additional faint handwritten text]

By to Cons 28 Sept
Judicial 1850 Sept 28

c. no. 9-10
31/2/58

N^o 1303

Extract Mins of Cons.

2/23^d September/58

10/1/59

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10/1/59